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*Attorney for Plaintiff*

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

JAMES GABRIS, an individual;

Plaintiff,

vs.

ASEMBIA, LLC., a Foreign Limited Liability  
Company; DOES I through X, inclusive; ROE  
CORPORATIONS I through X, inclusive,

Defendants.

CASE NO:

**COMPLAINT**

**(Jury Trial Demanded)**

COMES NOW, Plaintiff JAMES GABRIS (hereinafter, "Plaintiff"), by and through his counsel, Trevor J. Hatfield, Esq., of the law firm of Hatfield & Associates, Ltd., and alleges upon information and belief against the above-captioned Defendants as follows:

**PARTIES**

1. At all times relevant hereto, Plaintiff, residing in Las Vegas, Clark County, Nevada, was and is an individual residing in the State of Nevada.

2. Plaintiff was an employee of Defendant ASEMBIA, LLC, a Foreign Limited-Liability Company.

3. Upon information and belief, at all times relevant hereto, Defendant is and was a foreign corporation or similar business entity organized and existing under Nevada law and which regularly conducted business in Nevada.



1 in March 2019, regarding the Defendant. NERC has a file sharing agreement with the Equal  
2 Employment Opportunity Commission [hereinafter “EEOC”].

3 11. Plaintiff promptly and diligently accommodated all NERC and EEOC requests for  
4 information and fully cooperated in the investigation of his charge.

5 12. Plaintiff has exhausted all available administrative remedies in accord with the  
6 aforementioned statutes prior to instituting this civil action, and Plaintiff has timely filed this action.

7 13. Plaintiff demands a jury trial of this case pursuant to Local Rule 38-1 and 28 U.S.C.  
8 Section 1411.

9  
10 **FACTUAL ALLEGATIONS**

11 14. Plaintiff, male, 49 years old, was employed by Defendant in October 2017. He was  
12 employed for a couple of months when Defendant’s human resource director, a female, Mary  
13 Tackmann, began a campaign of disparate treatment of Plaintiff.

14 15. Tackmann engaged in gender harassment of Plaintiff to intimidate Plaintiff.  
15 Tackmann would give Plaintiff directives that were completely in conflict with Plaintiff’s supervisor  
16 David Barr. Tackmann favored female employees of Defendant; Tackmann permitted an  
17 unqualified woman named Tara Garcia to keep her job and was never criticized unlike Plaintiff, who  
18 was constantly nit-picked by Tackmann. Plaintiff complained to Barr about Tackmann’s gender-  
19 motivated harassments. Nothing was done.

20 16. Barr gave Plaintiff an evaluation that Plaintiff met Defendant’s employment  
21 expectations. One month later, Plaintiff was terminated by Tackmann without any explanation or  
22 reason, on August 6, 2018. Plaintiff was replaced by a person who was under 40 years old.

23 17. Upon information and belief and at all relevant times, Defendants employed in excess  
24 of fifteen (15) employees for at least twenty (20) calendar weeks from 2018 to the present time and  
25 was further engaged in an industry directly affecting interstate commerce. At all relevant times, all  
26  
27  
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1 matters regarding compensation, terms, conditions, rights and privileges of Plaintiff's employment  
2 were governed and controlled by Defendants.

3 18. Upon information and belief and at all relevant times, certain individuals herein  
4 named below, including but not limited to Tackmann, was acting as supervisors, agents, servants  
5 and/or employees of Defendant. Defendant is therefore liable for the acts and omissions of these  
6 individuals pursuant to the principals of ratification, respondeat superior and actual and/or implied  
7 agency.  
8

9 19. At all relevant times, Plaintiff fully, adequately and completely performed all of the  
10 functions, duties and responsibilities of his employment with Defendant.

### 11 **CAUSES OF ACTION**

#### 12 **FIRST CAUSE OF ACTION AGAINST DEFENDANT**

#### 13 **(Discrimination Under State and Federal Anti-Discrimination Statutes in Violation of Title**

#### 14 **VII: National Origin, Race, Color and Sex)**

15  
16 20. Plaintiff incorporates by reference the allegations set forth in the preceding  
17 paragraphs of the Complaint as though set forth at length herein.

18 21. Defendant's conduct as detailed herein, was in fact illegal. Plaintiff was subjected to  
19 a hostile work environment, based upon his gender, and discriminatory-motivated comments, and  
20 actions all of which are illegal activities as directed, ratified tolerated by her employer.  
21

22 22. As a result of Defendant's above-stated actions, Plaintiff has suffered irreparable  
23 injuries and deprivation of income in the form of wages and prospective benefits, promotion  
24 opportunities and job assignments due to her as an employee, and emotional pain and suffering,  
25 mental anguish, humiliation, embarrassment, indignity, and other intangible injuries in an amount to  
26 be proven at trial.

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1 loss of self-esteem in an amount to be determined at trial. Therefore, she seeks all legal and  
2 equitable remedies available at law.

3 31. Defendant's violation of the Age Discrimination in Employment Act of 1967 was  
4 willful. Pursuant to 29 U.S.C. § 626(b), Plaintiff requests an award of liquidated damages subject  
5 to proof.

6 32. Plaintiff is entitled to pre- and post-interest as well as attorneys' fees and costs.  
7

### 8 **THIRD CAUSE OF ACTION**

#### 9 **(Retaliation)**

10 33. Defendants' conduct as detailed herein was in fact illegal. Plaintiff was subjected to  
11 discriminatory conduct and disparate treatment, all of which are illegal activities as directed,  
12 ratified and tolerated by his employers. The reason for Plaintiff's termination was pretext for age  
13 discrimination or for complaining about gender discrimination and hostility in the workplace.  
14

15 34. As a result of Defendant's above-stated actions, Plaintiff has suffered irreparable  
16 injuries and deprivation of income in the form of wages and prospective benefits, promotion  
17 opportunities and job assignments due to them as employees, and emotional pain and suffering,  
18 mental anguish, humiliation, embarrassment, indignity and other intangible injuries in an amount  
19 to be proven at trial.

20 35. Plaintiff should be awarded punitive damages as well because of Defendant's  
21 extreme and outrageous conduct and retaliation.  
22

23 36. As a further result of Defendant's above-stated actions, it has been necessary for  
24 Plaintiff to obtain services of the law offices of Hatfield & Associates, Ltd. to prosecute this action,  
25 and Plaintiff is entitled to reimbursement for those attorney fees and costs which have been  
26 reasonably incurred.  
27

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**REQUEST AND PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays for judgment and damages against Defendant as follows:

1. An award to Plaintiff for back pay and front pay economic damages in amount to be shown according to proof;
2. An award to Plaintiff for liquidated damages under the ADEA;
3. An award to Plaintiff for reasonable attorney's fees and costs;
4. An award to Plaintiff for interest on any awards at the highest rate allowed by law; and
5. Such other and further relief as this Court deems just and appropriate.

Dated this 10th day of August 2021.

**HATFIELD & ASSOCIATES, LTD.**

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